

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 25, 2006

Senate Chamber

At the request of President Pro Tempore Geddes, Acting President Stegner called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Burtenshaw, Cameron, Geddes, Hill, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Saige Harrington, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 24, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burtenshaw and Langhorst were recorded present at this order of business.

January 25, 2006

The JUDICIARY AND RULES Committee reports that **S 1299, S 1300, S 1301, S 1302, S 1303, S 1304, S 1305, S 1306, S 1307, and S 1308** have been correctly printed.

DARRINGTON, Chairman

**S 1299** was referred to the Resources and Environment Committee.

**S 1300, S 1301, S 1302, S 1303, and S 1304** were referred to the Judiciary and Rules Committee.

**S 1305, S 1306, and S 1307** were referred to the Finance Committee.

**S 1308** was referred to the Education Committee.

January 24, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1263** was delivered to the Office of the Governor at 11:50 a.m., January 24, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

January 24, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Peter J. Black to the Idaho Personnel Commission, term to expire July 1, 2011.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 24, 2006

The FINANCE Committee reports out **H 404** with the recommendation that it do pass.

CAMERON, Chairman

**H 404** was filed for second reading.

January 25, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Vern Driver to the Board of Tax Appeals, term to expire June 30, 2008.

BUNDERSON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 25, 2006

The FINANCE Committee reports out **S 1305, S 1306**, and **S 1307** with the recommendation that they do pass.

CAMERON, Chairman

**S 1305, S 1306**, and **S 1307** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 25, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Donald Gross of Coeur d'Alene, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 11, 2006, and expiring January 7, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

Senator Burkett was recorded present at this order of business.

January 24, 2006

Mr. President:

I transmit herewith **H 409** which has passed the House.

JUKER, Chief Clerk

**H 409** was filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

President Pro Tempore Geddes and Senators Cameron, Hill, Keough, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

The Acting President announced the State Affairs Committee report, relative to the Gubernatorial appointments of Larry A. Crowley, E. Robert "Bob" Mooney, Ralph Williams, and Joseph S. Bleymaier, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Larry A. Crowley as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of E. Robert "Bob" Mooney as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Ralph Williams as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

On motion by Senator Davis, seconded by Senator Burkett, the Gubernatorial appointment of Joseph S. Bleymaier as Administrator for the Idaho Division of Veterans Services was confirmed by voice vote.

The Acting President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Acting President announced that **SJM 114** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bunderson, seconded by Senator Stennett, **SJM 114** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1309

#### BY COMMERCE AND HUMAN RESOURCES COMMITTEE

#### AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 33-2101A, IDAHO CODE, TO DELETE A CODE REFERENCE; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO DELETE A CODE

REFERENCE, TO PROVIDE CORRECT TERMINOLOGY, TO INCREASE THE MAXIMUM AWARD THAT MAY BE GRANTED TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES FOR MERITORIOUS SERVICE AND FOR SUGGESTIONS RESULTING IN TAXPAYER SAVINGS, TO PROVIDE EXCEPTIONS TO THE MAXIMUM AWARD UNDER EXTRAORDINARY CIRCUMSTANCES, TO REQUIRE REPORTING OF ALL AWARDS GRANTED IN THE PRECEDING FISCAL YEAR AND REPORTING OF CHANGES MADE PURSUANT TO AN EMPLOYEE'S SUGGESTION AND RESULTING SAVINGS, TO PROVIDE FOR RECRUITMENT AND RETENTION AWARDS TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONPERFORMANCE RELATED PAY TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONPERFORMANCE RELATED PAY TO SPECIFIED EMPLOYEES WHICH CANNOT EXCEED FIVE PERCENT OF THE EMPLOYEE'S BASE PAY AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE CRITERIA FOR REIMBURSEMENT OF MOVING EXPENSES AND TO REQUIRE REPORTING OF ALL MOVING REIMBURSEMENTS GRANTED IN THE PRECEDING FISCAL YEAR AND TO PROVIDE THAT THE STATE CONTROLLER'S OFFICE IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF SPECIFIC PAY CODES; AMENDING SECTION 59-1606, IDAHO CODE, TO DELETE AN INCORRECT CODE REFERENCE; AMENDING SECTION 59-1607, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO CLARIFY COMPENSATORY TIME FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES WHO ARE DESIGNATED AS EXECUTIVE; AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE LIMITATION ON USE OF APPROPRIATIONS MADE FOR EXPENSES OTHER THAN PERSONNEL COSTS AND TO PROVIDE FOR LIMITATIONS ON THE AMOUNT OF LEGISLATIVE APPROPRIATIONS FOR PERSONNEL COSTS WHICH CAN BE TRANSFERRED TO OTHER OBJECT CODES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE CORRECT REFERENCES, TO REFORMAT THE SECTION AND TO EXPAND THE DEFINITION OF "HOLIDAY" TO DISTINGUISH NONEXECUTIVE EMPLOYEES FROM EMPLOYEES CLASSIFIED AS EXECUTIVE EXEMPT; AMENDING SECTION 67-5309, IDAHO CODE, TO CLARIFY RULEMAKING AUTHORITY OF THE DIVISION OF HUMAN RESOURCES REGARDING RULES FOR DISCIPLINARY DISMISSAL, DEMOTION, SUSPENSION OR OTHER DISCIPLINE FOR CAUSE AND FOR SHIFT DIFFERENTIAL PAY AND TO SPECIFY ADDITIONAL RULEMAKING AUTHORITY; REPEALING SECTION 67-5309A, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE A STATE EMPLOYEE COMPENSATION PHILOSOPHY; REPEALING SECTION 67-5309B, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

67-5309B, IDAHO CODE, TO ESTABLISH THE IDAHO COMPENSATION PLAN; REPEALING SECTION 67-5309C, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO PROVIDE FOR SPECIFIED ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309D, IDAHO CODE, TO PROVIDE OTHER PAY DELIVERY OPTIONS; REPEALING SECTION 67-5326, IDAHO CODE; AMENDING SECTIONS 67-5328, 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE STATE OVERTIME POLICY, TO CLARIFY PROVISIONS RELATING TO CASH COMPENSATION AND COMPENSATORY TIME, TO REFORMAT SECTION 67-5328, IDAHO CODE, TO REDESIGNATE SECTIONS 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5333 AND 67-5339, IDAHO CODE, TO REFORMAT SECTION 67-5333, IDAHO CODE, TO REDESIGNATE SECTION 67-5339, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5334, 67-5335 AND 67-5337, IDAHO CODE, TO CLARIFY COMPUTATION OF VACATION TIME FOR CLASSIFIED OFFICERS AND EMPLOYEES ACCORDING TO THEIR DEFINITIONS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT, TO MAKE TECHNICAL CORRECTIONS, TO REFORMAT SECTION 67-5334, IDAHO CODE, AND TO REDESIGNATE SECTIONS 67-5335 AND 67-5337, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR MOVING EXPENSE REIMBURSEMENT; AMENDING SECTION 67-5342, IDAHO CODE, TO REDEFINE "SEVERANCE PAY"; AND DECLARING AN EMERGENCY.

**S 1309** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 409**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1250**, **S 1251**, and **S 1252**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 403** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 403** passed, title was approved, and the bill ordered returned to the House.

**S 1260** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Langhorst. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1260** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, January 26, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary